

REMARKS

Claims 51, 53, 55, 56, 59, 71-73, 75, 77, 78, 84, 86, 88, 89, 95-98, 100, 102-104, 106, 108-112, 114 and 116-121 were pending in the application. Claims 51, 71, 84, 95, 104 and 112, 119 and 120 have been amended. Accordingly, claims 51, 53, 55, 56, 59, 71-73, 75, 77, 78, 84, 86, 88, 89, 95-98, 100, 102-104, 106, 108-112, 114 and 116-121 are pending following entry of this amendment.

Support for the amendments to claims 51, 71, 84, 95, 104 and 112 can be found in the claims as originally filed and throughout the specification. Additional support for the amendments to claims 51, 71, and 95 can be found in the specification at least at page 8, lines 11-19. No new matter has been added.

Amendments to the claims should in no way be construed as acquiescent to any of the Examiner's rejections and were made solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Rejoining of Claims 95-98, 100, 102-104, 106, 108-112, 114, 116-117 and 118-121

The Examiner communicates that claims 95-98, 100, 102-104, 106, 108-112, 114, 116-117 and 118-121 "will be rejoined and examined on the merits." Applicants gratefully acknowledge the withdrawal of this rejection of claims 95-98, 100, 102-104, 106, 108-112, 114, 116-117 and 118-121.

Rejection of Claims 51, 53, 55-56, 59, 71-73, 75, 77-78, 84, 88-89, 95-98, 100, 102-104, 106, 108-112, 114, and 116-117 Under 35 U.S.C. § 112, First Paragraph, Written Description

The Examiner has maintained his previous rejection of claims 53, 59, 75 and 86, and newly rejects claims 51, 55-56, 71-73, 77-78, 84, 88-89, 95-98, 100, 102-104, 106, 108-112, 114, and 116-117 under 35 USC § 112, first paragraph, as lacking written description. The Examiner specifically objects to use of the term "soluble LTβR" as overly broad in view of the species of soluble LTβR defined in the specification. Applicants continue to find this rejection improper for reasons cited in their Amendment filed February 24, 2005. Applicants have identified and functionally characterized both murine and human species of soluble LTβR in the

present specification. Additionally, the present specification ***defines the LT β R ligand binding domain as the critical functional domain*** characteristic of a soluble LT β R receptor of the invention. No additional teaching is necessary for practice of the present invention, as the portion of LT β R that is critical for the ligand binding function of the instant invention is ***the art-recognized ligand binding region contained within the LT β R extracellular domain***.

Applicants specifically direct the Examiner's attention to Figures 4D and 6A of the Force *et al.* reference previously discussed (*J Immunol.* 155: 5280-5288; referenced within the present specification at least at page 26, lines 14-15). Figure 4D displays the four cysteine-rich repeats of the LT β R ligand binding region that were known at the time of filing to possess functional ligand binding capability. Figure 6A presents detailed sequence information for LT β R, and displays an alignment of LT β R with several other tumor necrosis factor (TNF) family receptors. Cysteine-rich repeats are conserved between all TNF family members, including LT β R, and had been identified as critical to ligand binding prior to the time of filing. Thus, the molecular topology, sequence and homology information presented in Figures 4D and 6A of the Force *et al.* reference, in combination with the teachings of the present specification, would comprehensively inform one of skill in the art of the scope of the term "soluble LT β R" as used in the present specification. The present specification defines the term "soluble LT β R" to encompass the LT β R extracellular domain of SEQ ID NO:1 and functional fragments thereof, which are further described as those fragments that possess ligand binding activity. Specific guidance regarding the location of ligand binding activity within the LT β R molecule is found at least in Figures 4D and 6A of Force *et al.* The present specification therefore describes the scope of the "soluble LT β R" compositions featured in the instant invention in more than sufficient detail for one of ordinary skill in the art to recognize the scope of the claimed invention. Applicants therefore request that this rejection be reconsidered and withdrawn.

Claim Rejections Maintained Under 35 USC § 102

The Examiner has additionally maintained his rejection to claims 51, 53, 55-56, 59, 71-73, 75, 77-78, 84, 86 and 88-89, and has newly rejected claims 95-97, 100, 102-104, 106, 108-112, 114 and 116-121 under 35 USC § 102 as being anticipated by US Patent 5,925,351 (herein '351). Specifically, the Examiner states that the preamble may not be considered a limitation for the claims as pending, thereby causing the present claims to lack novelty in view of the granted claims of the '351 patent. Claims 51, 71, 84, 95, 104, 112 and 119-121 as amended incorporate limitations consistent with the preamble of said claims into the body of the claims, *e.g.*, claim 51 is herein amended to specify performance of the method "such that a humoral immune response is inhibited". In view of the present amendments, Applicants request that this rejection be reconsidered and withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. BGNA013 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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